

Application No. 11/444,787  
 Filing Date: June 1, 2006  
 Docket No. PCH0917USNP (formerly PC28128A)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Fredrik Nicklasson, et al, et al.

Serial No.: 10/591,388

Group Art Unit: 1614

Filed: June 11, 2007

Examiner:

For: MEANS FOR TRANSDERMAL ADMINISTRATION OF NICOTINE

Date: February 6, 2009

Confirmation No: 8119

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

### RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir,

This is a Response to the Notice of Defective Response mailed with the Filing Receipt January 6, 2009 and is being timely submitted. It is believed that no fee is due; however, if it is determined that a fee is due, please charge or credit Deposit Account Number 10-0750. Applicants respectfully request entry of this Response. In view of the following remarks, Applicants submit that the Application has met the deficiency requirement and reconsideration is respectfully requested.

<b>CERTIFICATE OF ELECTRONIC TRANSMISSION</b>
I hereby certify that this document and authorization to charge deposit account is being transmitted via the United States Patent and Trademark Office electronic filing system in accordance with 37 CFR 1.6(a)(4).
Mary Helmken
(Printed Name)
/Mary M. Helmken/
(Signature)
February 6, 2009
(Date of Deposit)

Application No. 11/444,787  
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Docket No. PCH0917USNP (formerly PC28128A)

### **REMARKS**

This application was filed August 31, 2006 with the U.S. Patent and Trademark Office.

On April 30, 2007, a Filing Receipt and Notification of Missing Requirements Under 35 U.S.C. 371 were mailed to Applicant.

On June 6, 2007, a Response to Notice to File Missing Parts of Application was filed with the U.S. Patent and Trademark Office. The Response included copy of the Notice, Declaration and Power of Attorney and fees, which included the Search Fee, Examination Fee and Surcharge for payment of late filing of original Declaration, copy attached.

On January 6, 2009, an Updated Filing Receipt was mailed, with a Notice of Defective Response. The Notice of Defective Response states the surcharge for late submission of the declaration was not received. Copy of the Notice of Defective Response is attached.

If the surcharge for late submission of the declaration was not charged to Deposit Account 10-750, please charge Deposit Account 10-750 the \$130.00 fee as well as any additional fees that might be due.

Accordingly, Applicants respectfully submit that it has met the deficiency requirement and reconsideration is respectfully requested. Should there be any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

Dated: February 6, 2009

/Evan J. Federman, Reg. No. 37,060/  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.				
10/591,388	Fredrik Nicklasson	PC 28129				
27777 PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003		INTERNATIONAL APPLICATION NO. PCT/IB05/00673				
		<table border="1"><tr><td>I.A. FILING DATE</td><td>PRIORITY DATE</td></tr><tr><td>03/10/2005</td><td>03/19/2004</td></tr></table>	I.A. FILING DATE	PRIORITY DATE	03/10/2005	03/19/2004
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03/10/2005	03/19/2004					

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J & J PAT. DKT. SECTION

CONFIRMATION NO. 8119  
371 FORMALITIES LETTER



Date Mailed: 01/06/2009

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 08/31/2006
- Copy of the International Search Report filed on 08/31/2006
- Copy of IPE Report filed on 08/31/2006
- Information Disclosure Statements filed on 08/31/2006
- Oath or Declaration filed on 06/11/2007
- U.S. Basic National Fees filed on 08/31/2006
- Priority Documents filed on 08/31/2006

Applicant's response filed 06/11/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/30/2007 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 was not received.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

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